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Global Climate Change -- Complying with the Knollenberg Amendment on the Kyoto Protocol

(Issued as an Executive Message on 05/30/2000. Effective 11/29/1999.)

Appropriations Restriction Relating to the Kyoto Protocol

This notice provides mandatory guidance concerning an appropriations restriction (Sec 583) in the FY 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act that addresses the 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC). This document is a Mandatory Reference for ADS Chapters 201, 202 and 203.

Background

Global Climate Change (GCC) poses a major threat to the sustainable development of USAID-assisted countries. USAID integrates climate-related concerns into its broad range of development assistance programs and has built a strong and effective program by promoting an awareness of how development will affect and be affected by climate change. In that context, for many years USAID has supported programs that increase energy efficiency, promote the use of clean technology and renewable energy, protect natural resources, reduce urban and industrial pollution, and help build scientific, management, and regulatory capacities of developing countries. Some of these activities also provide climate-related benefits and these comprise the agency's climate change activities. Some of these activities support the objectives of the Framework Convention on Climate Change, which the U.S. signed and ratified in 1992.

In addition, USAID plays an important role in the formulation of U.S. Government climate policy and participates in important ways in intergovernmental negotiations relating to climate, including activities related to the UNFCCC.

The Kyoto Protocol to the UNFCCC establishes binding targets for emissions of greenhouse gases applicable to developed countries like the United States, and identifies market-based mechanisms that could be utilized to reduce global atmospheric concentrations of greenhouse gases.

Section 583: Appropriations Restriction

The FY 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act establishes the following restriction on the use of FY 2000 foreign assistance:

"None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol..."

The following are examples of USAID actions that are generally in compliance:

1. Technical assistance and training in areas including technology transfer, promoting the use of renewable energy, energy efficiency, institution building/strengthening of Ministries of Energy, Environment, Foreign Affairs, and promoting the privatization of energy production and distribution. This may include technical assistance aimed at reducing carbon emissions.
2. Technical assistance and training in areas related to natural resources management, including forestry, agriculture, urban and rural land use, and institution building/strengthening of Ministries in developing countries responsible for such activities.
3. Research and policy analysis, and the dissemination of findings of research and policy analysis, on the dimensions of the developing country contribution to GCC problems and ideas/options for engaging developing countries in addressing increasing greenhouse gas concentrations.
4. Research and policy analysis, and the dissemination of findings of research and policy analysis, on the potential impacts of increases in greenhouse gas concentrations, and the development of adaptation strategies to promote sustainable development.
5. The sponsoring of conferences for developing country officials and private-sector representatives on GCC, including those that are integral to the negotiating efforts of the USG.

To ensure that USAID complies with this legislation, operating units are instructed to contact Ms. Ko Barrett, Climate Change Team Leader (G/ENV), in the event there are questions or if it appears to be the case that USAID funds might be used to issue rules, regulations, decrees or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol. When interpretive issues arise with respect to these matters, Ms. Barrett will consult with the General Counsel's Office, and others.

Point of Contact: Any questions concerning this Notice may be directed to Ms. Ko Barrett, Climate Change Team Leader, G/ENV, 202-712-5445.